

DAVID FLEMING

v.

DEPARTMENT OF CORRECTIONS et al.

Submitted on Briefs October 18, 2000
Decided October 30, 2000

Panel: WATHEN, C.J., and CLIFFORD, RUDMAN, DANA, SAUFLEY,
ALEXANDER and CALKINS, JJ.

MEMORANDUM OF DECISION

David Fleming appeals from a judgment entered in the Superior Court (Knox County, *Marsano, J.*), dismissing his complaint brought pursuant to M. R. Civ. P. 80C and 5 M.R.S.A. §§ 11001-11008 (1989) against the Department of Corrections and others. Contrary to the contentions of Fleming, the court neither erred nor acted beyond the bounds of its discretion in (1) denying Fleming's motion for a default against the Department for its failure to file a responsive pleading in a case brought pursuant to M. R. Civ. P. 80C(a); and (2) dismissing the complaint for failure to file proof of service on the Department, *see* 5 M.R.S.A. § 11003(1)(A) (1989) and M. R. Civ. P. 4(d)(12).

The entry is:

Judgment affirmed.

For plaintiff:

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